



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

in each particular case to the discretion of the court, the court seems to have chosen the latter alternative, so that in most important problems the legislature, when it comes to enact laws, has no guide as to what is constitutional and what unconstitutional, but must enter into a guessing contest with the court—the court, of course, having the last guess. Upon the basis of this particular experience, it appears to the reviewer that perhaps the most serious hazard to legislation in a state with a complicated constitution is the necessity under which the legislature labors in substantially all important legislation of guessing how the court is likely to act after the legislation has been enacted. What is referred to here is not the broad due process of law clause of the constitution, nor other limitations which are themselves broad and indefinable, but constitutional provisions which were intended to mean something specific—provisions into which, by judicial construction, such indefiniteness has been read that the application of the provision in each particular case comes to be a matter within the discretion of the court, without any standard by which the legislation may determine in advance what is and what is not within the limits of the constitution. What has just been referred to constitutes the real hazard of legislation, and a real bar oftentimes to the establishment of either proper correlation or proper standards of legislation, and to such constitutional difficulties the author has given entirely too little attention.

However, this book should be judged, not as a treatise upon the subject of legislation, but rather as what it purports to be, “an essay of constructive criticism.” Within the limits set out, Professor Freund has produced a valuable work, and it is to be hoped that in the near future he will give us a book which deals not merely with the general aspects of the subject, but which will also seek to chart out something of the detailed difficulties, for after all it is the details rather than the general principles that constitute the real difficulties in the problem of state legislation to-day.

W. F. DODD

Legislative Reference Bureau, State of Illinois

Jurisdiction and Practice of Federal Courts. By Charles P. Williams. Published by The F. H. Thomas Law Book Co., St. Louis. 1917. pp. xix, 586.

There are many treatises dealing especially with the jurisdiction and procedure (or practice) of the federal courts not adapted for the law student but intended entirely for the practitioner, *e. g.*, Desty, Foster, Rose, Loveland, Montgomery; there are other treatises devoted largely to equity jurisdiction and practice, *e. g.*, Street, Whitehouse, and Simkins's novel treatise on the questions of jurisdiction and practice arising in the prosecution of an equity suit from its filing to the decree of the court of last resort; also Simkins's *A Federal Suit at Law*, accorded similar treatment, both of which are highly useful in the student's hands but are of greater appeal to the practitioner. Nor is there lack of treatises on the subject intended for law students primarily: Curtis, Hughes and Simon-ton at once occur to the law teacher.

Curtis's lectures on federal jurisdiction were delivered in 1872-1873 to the students of Harvard Law School, and have a very pleasing style; some discussion of practice is included, but so old a discussion of this subject, no matter how valuable at the time, will not suffice for the present requirements. Curtis preferred to begin at the top of the federal judicial system and work down through the Supreme Court, Circuit Courts and District Courts; Hughes chose the other course and moves from the District Court upwards through the Circuit Court of Appeals and the Supreme Court along the channel through which the suit nor-

mally travels. Mr. Williams also prefers to work from the lower court to the higher and has the current law school view of that matter with him.

It is clearly logical to begin with a perspective of the source and distribution of jurisdiction and the organization or scheme of courts, following with a study of each court in an upwardly progressive series. After an initial chapter of an introductory or ground-laying nature, Mr. Williams treats the District Court in its territorial aspects, such as venue, process, local and non-local actions; he then considers its jurisdiction as based on the federal question, diversity of citizenship, amount involved, and removals. Thereupon a pertinent treatment of the procedure at law and in equity follows; the criminal law and procedure, and admiralty and maritime jurisdiction and procedure, conclude the treatment of the District Courts.

The courts of appellate jurisdiction are treated together, and the decisions reviewable, as well as the procedure in law and equity on review, are discussed with careful attention. The volume closes with a study of the review of the decisions of the state court of last resort in the Supreme Court and the procedure on error or by *certiorari* incident thereto.

The plan of treatment is logical throughout, the discussion is crisp and suggestive, and the author neither shies at the points upon which the courts seem muddled, nor hesitates on occasion to express an opinion as to the correct rule in the matter. The book has the flavor of practice, but it is eminently fitted for the mature law school student. The author injects enough of the history of substantive and procedural matters to orient the reader properly—a course admittedly necessary in the case of the student of the subject, and highly desirable for the practitioner. Suggestive summaries are frequently introduced to illustrate the substantive law or procedure where complete treatment would involve a mass of detail, and the cases cited are numerous and apposite, making use of the latest decisions and rules of practice, and presenting a treatment thoroughly down to date. Although possibly a matter of opinion only, yet it seems that a discussion of bankruptcy would have answered a more general need than admiralty law and practice, inasmuch as in the author's view something had to be omitted.

The distribution of space in the book shows the tremendous importance of the District Courts in the federal judicial system under present statutes, but does not exaggerate that matter although seventy-five per cent. is thus used; the appellate courts use about twenty per cent. of the space, and the introductory chapter the remainder.

Much reading of cases and study of rules of procedure and of pleadings must supplement any handbook, and of course Mr. Williams has not pretended to make a volume which would dispense with that necessity. He does provide the student and practitioner with a highly useful tool, and his suggestive and envisaging manner of treatment gives the book a distinct place in the literature of the subject.

GEORGE W. RIGHTMIRE

Ohio State University College of Law